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**To:** Microsoft ATR  
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An apologue of the proposed Microsoft settlement

A man intending to rob a bank parks his car and walks away without feeding the parking meter. While 'busy' at the bank, a parking enforcement person places a ticket on his car. His criminal act completed, he walks briskly back to his car with \$20,000 tucked in a bag. Noticing the ticket, he rips it off the windshield, throws it aside, and escapes.

The ticket prompts the police to investigate him as a suspect in the robbery. Evidence is abundant. He's arrested and goes to trial in what everyone presumes to be an open-and-shut case.

Having failed to pay his parking ticket, he's served with papers to appear in traffic court as well, where he's found guilty and fined \$100. The district attorney strikes an outrageous plea bargain: Pay the \$100 parking fine and we'll drop the bank robbery charges.

This is no stupid man. He walks out of the courthouse minus \$100, but enjoys the freedom to return to a locker at the bus station where he retrieves \$20,000 in ill-gotten gains and begins to case the next bank.

Bank robber takes all.....Microsoft takes all !!

Any reasonable person would recognize this hypothetical plea bargain as an unconscionable travesty of justice. Yet parallels can easily be drawn to the Microsoft settlement.

In the case of Microsoft, there is an undeniable maintenance of monopoly at the expense of competitors and the consumer. The remedy must ensure a reasonable opportunity for the market to return to a level playing field. Microsoft's behavior must also be closely scrutinized by a special master that fully understands the nuances of information technology as they relate to Microsoft's incorrigible conduct of the past as well as the company's announced designs for the present and the future in this market and in other unrelated markets.

The nine dissenting states have put forth a comprehensive remedy that promises a fair redress on the part of Microsoft and allows for the necessary requirements and scrutiny that Microsoft has proven necessary by its record of flaunting past legal agreements with the courts and its persistent misdeeds in the marketplace.

I encourage the court to dismiss the Department of Justice's "plea

bargain" settlement with Microsoft and to pursue the recommendations thoughtfully set forth by the Attorneys General of the nine dissenting states.

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